

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN KARL WAITSCHIES**, on January 22, 2003
at 3 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Karl Waitschies, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Dave Gallik, Vice Chairman (D)
Rep. Joe Balyeat (R)
Rep. Bob Bergren (D)
Rep. Ronald Devlin (R)
Rep. George Golie (D)
Rep. Jim Keane (D)
Rep. Bernie Olson (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)

Members Excused: Rep. Bill Wilson (D)

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 259, 1/16/2003; HB 270,
1/16/2003; HB 336, 1/16/2003

Executive Action: None

HEARING ON HB 259

Sponsor: REP. RICK MAEDJE, HD 81

Opening Statement by Sponsor:

REP. MAEDJE introduced HB 259. This bill is a request to increase the speed limit on Highway 93, north of Whitefish. This portion of the highway has a speed limit 65 miles per hour. This bill will increase the speed limit to 70 miles per hour.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 3.3}

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

Jim Currie, Montana Department of Transportation. The speed limit on this stretch of highway was set at 65 miles per hour in the 1999 session. Highway 93 is unique as it has a mix of dangerous curves, blind hills and sections that are very straight, the section we are talking about today is very straight and fairly safe.

EXHIBIT(trh13a01)

{Tape: 1; Side: A; Approx. Time Counter: 3.3 - 4.9}

Captain Mike Tooley, Montana Highway Patrol, Helena, MT. The crash activity on this stretch of highway runs about twenty percent of the total activity across the board in all three categories. The Highway Patrol is neutral on this bill as they do not think it will make any difference in the crash activity.

{Tape: 1; Side: A; Approx. Time Counter: 4.9 - 6.2}

Questions from Committee Members and Responses:

REPS. SMITH, ROME, GALLIK, BALLYEAT, WAITSCHIES, and OLSON questioned Mr. Currie and **REP. MAEDJE**. They questioned driving conditions on this stretch of highway and why they need to increase the speed limit. Most persons are driving 70 miles per hour at the present time and they would like to be legal in driving this speed.

{Tape: 1; Side: A; Approx. Time Counter: 6.2 - 17.7}

REP. BALLYEAT entered the room.

{Tape: 1; Side: A; Approx. Time Counter: 8.8}

Closing by Sponsor: REP. MAEDJE closed HB 259.

{Tape: 1; Side: A; Approx. Time Counter: 17.7 - 18.3}

HEARING ON HB 336

Sponsor: REP. ROY BROWN, HD 14

Opening Statement by Sponsor:

REP. ROY BROWN introduced HB 336. This is a constituent bill that he had presented the past two sessions. The bill prohibits leaving or storing highway construction equipment in the median. "The Brockie family lost a son at Thanksgiving time, in an accident, as a passenger buckled up, when the car skidded into the median and struck a generator. The generator had been left by the contractor over the long Thanksgiving weekend. The Brockies' son died at the scene, now that was fourteen years ago." The bill simply says any equipment that is not in use must be moved off the median.

{Tape: 1; Side: A; Approx. Time Counter: 18.3 - 24.3}

Proponents' Testimony:

Susan Brockie, Mother of Eric. She encouraged the committee to pass HB 336, as this is the third time REP. BROWN has carried the bill. She submitted her written testimony.

EXHIBIT (trh13a02)

{Tape: 1; Side: A; Approx. Time Counter: 24.3 - 30}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 4.4}

Mike Brockie, Father of Eric. A copy of his testimony is included. (Also included in Exhibit 2.)

{Tape: 1; Side: B; Approx. Time Counter: 4.4 - 14.2}

REP. SMITH left the committee room.

{Tape: 1; Side: B; Approx. Time Counter: 10.5 }

Opponents' Testimony:

Paul Thompson, Gilman Construction Co., explained some of the reasons for leaving equipment in the median, such as guard rails,

limited room on the side of roads, drop offs, bridges and other obstructions that prevent moving the large equipment.

{Tape: 1; Side: B; Approx. Time Counter: 14.2 - 26}

Jerry Driscoll, AFL-CIO, offered an amendment to allow use of the median for a flag person's vehicle. The flag person needs a vehicle for shelter, food, water, etc.

{Tape: 1; Side: B; Approx. Time Counter: 26 - 30}

Bob Pavlovich, IBEW, Butte, explained times when the contractor has to leave equipment in the median.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 1.9}

Cary Hegreberg, Montana Contractors Association, expressed willingness to work with the sponsor and others to make this a workable bill.

EXHIBIT(trh13a03)

{Tape: 2; Side: A; Approx. Time Counter: 1.9 - 5.4}

Informational Testimony:

Jim Currey, Montana Department of Transportation, asked that a definition of 'median' be put in the law.

{Tape: 2; Side: A; Approx. Time Counter: 5.4 - 11.9}

Questions from Committee Members and Responses:

REPS. BALYEAT, OLSON, KEENE, GALLIK, SMITH and WAITSCHIES questioned the Sponsor and Mr. Hegreberg. They questioned the ability of a contractor to perform their job without using the median for parking or storage.

{Tape: 2; Side: A; Approx. Time Counter: 11.9 - 28.8}

Closing by Sponsor:

REP. BROWN closed HB 336.

{Tape: 2; Side: A; Approx. Time Counter: 28.8 - 30}

{Tape: 2; Side: B; Approx. Time Counter: 0 - 5.4}

HEARING ON HB 270

Sponsor: REP. BOB BERGREN, HD 90

Opening Statement by Sponsor:

REP. BERGREN introduced HB 270. HB 270 addresses the use of flammable coolants in automobile refrigeration devices. Currently flammable coolants are outlawed in 20 other states.

{Tape: 2; Side: B; Approx. Time Counter: 5.4 - 10.9}

Proponents' Testimony:

Mr. Chinadle, Havre mechanic, stated that there are several companies starting to market flammable coolants, without advising the customers the coolant is flammable. Part of the reason for using flammable coolants is the cost. Flammable coolants are cheaper than non-flammable coolants.

{Tape: 2; Side: B; Approx. Time Counter: 10.9 - 13.6}

Doug Neill, Montana Firefighters Association, supports this bill for safety reasons.

{Tape: 2; Side: B; Approx. Time Counter: 13.6 - 15.5}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. GOLIE, DEVLIN, SMITH, GALLIK and WAITSCHIES questioned the sponsor, Mr. Chinadle, and Mr. Neill.

{Tape: 2; Side: B; Approx. Time Counter: 15.5 - 25}

Closing by Sponsor: REP. BERGREN closed HB 270.

{Tape: 2; Side: B; Approx. Time Counter: 25 - 31.2}

ADJOURNMENT

Adjournment: 5:00 P.M.

REP. KARL WAITSCHIES, Chairman

PATI O'REILLY, Secretary

KW/PO

EXHIBIT(trh13aad)